



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kim DAM LARSEN et al.

Group Art Unit: 2834

Application No.: 09/889,877

Examiner: T. Lam

Filed: August 6, 2001

Docket No.: 110171

For: AN ELECTRIC MULTIPOLE MOTOR/GENERATOR WITH AXIAL MAGNETIC FLUX

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the February 4, 2003 Election of Species Requirement, the shortened statutory period for reply being extended by the attached Petition for Extension of time, Applicants provisionally elect Species B, Figure 3. At least claims 1-11, 14-20, 21, 22, 24, 25, 28, 37 and 39 are readable on the elected species. Claim 1 is generic to all but Species F and claim 3 is generic to all but Species J. The election is made with traverse.

Applicants respectfully disagree with the Office Action's assertion that there are twenty different independent species in the present invention. For instance, "Species B" (illustrated by Fig. 3) and "Species C" (illustrated by Fig. 4A) are actually the same embodiment, as illustrated on page 15 of the specification: "Fig. 4A illustrates a schematic longitudinal sectional view of the embodiment shown in Fig. 3". If Fig. 4A is a sectional view of Fig. 3, it cannot represent a different species than the one illustrated by Fig. 3. Furthermore, the restriction between twenty different species are excessive and does not grant the Applicants the "reasonable number of species" to which they are entitled.

Further, it is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of the elected species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants also submit that, in any event, since claims 1 and 3 are readable on the elected Species B, and collectively are readable on all of the other species, once claims 1 and 3 are found allowable, all the remaining claims must be rejoined.

In view of the foregoing, it is respectfully requested that the Election of Species Requirement be withdrawn.

Respectfully submitted,



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Date: June 4, 2003

Attachment:

Petition for Extension of Time

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